
SENATE BILL No. 64

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-36-6; IC 34-30-2-75.5.

Synopsis: Psychiatric advance directives. Authorizes the execution of a psychiatric advance directive (a medical directive that directs the administration of or refuses psychiatric restabilization for the care and treatment of an individual's mental illness). Requires a psychiatrist, a health care provider, emergency medical service personnel, or a health care facility to comply with a psychiatric advanced directive. Provides that a person is not subject to civil or criminal liability for complying in good faith with a psychiatric advance directive. (The introduced version of this bill was prepared by the commission on mental health.)

Effective: July 1, 2003.

Lawson C

January 7, 2003, read first time and referred to Committee on Health and Provider Services.

C
o
p
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 64

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-163, AS AMENDED BY P.L.148-1999,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 163. (a) "Health care provider", for purposes of
4 IC 16-21, **IC 16-36-6**, and IC 16-41, means any of the following:

5 (1) An individual, a partnership, a corporation, a professional
6 corporation, a facility, or an institution licensed or legally
7 authorized by this state to provide health care or professional
8 services as a licensed physician, a psychiatric hospital, a hospital,
9 a health facility, an emergency ambulance service (IC 16-31-3),
10 a dentist, a registered or licensed practical nurse, a midwife, an
11 optometrist, a pharmacist, a podiatrist, a chiropractor, a physical
12 therapist, a respiratory care practitioner, an occupational therapist,
13 a psychologist, a paramedic, an emergency medical technician, or
14 an advanced emergency technician, or a person who is an officer,
15 employee, or agent of the individual, partnership, corporation,
16 professional corporation, facility, or institution acting in the
17 course and scope of the person's employment.



(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community mental retardation center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a licensed nurse midwife;

(6) a paramedic;

(7) an emergency medical technician;

(8) an advanced emergency medical technician; or

(9) a first responder, as defined under IC 16-18-2-131.

The term includes an individual who is an employee or agent of a health care provider acting in the course and scope of the individual's

C
o
p
y



employment.

SECTION 2. IC 16-18-2-296.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 296.3. "Psychiatric advance directive" means a medical directive:**

(1) that is executed:

(A) by an individual at a time when the individual is in a period of mental stability; or

(B) on behalf of the individual by a person authorized to consent to psychiatric restabilization for the individual if the individual lacks decisional capacity; and

(2) that:

(A) directs the administration of; or

(B) refuses;

psychiatric restabilization for the care and treatment of the individual's mental illness.

SECTION 3. IC 16-18-2-296.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 296.7. "Psychiatric restabilization" means measures taken to restore mental function or to support mental health in the event of destabilization of mental health due to lack of appropriate treatment. The term includes:**

(1) administration of prescribed medication:

(A) orally; or

(B) by injection;

(2) physical restraint;

(3) seclusion; or

(4) psychiatric counseling.

SECTION 4. IC 16-36-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 6. Psychiatric Advance Directives

Sec. 1. An adult who:

(1) has the decisional capacity to provide informed consent;

(2) has the decisional capacity to refuse psychiatric restabilization; or

(3) is authorized to consent to psychiatric restabilization on behalf of a person who lacks decisional capacity;

may execute a psychiatric advance directive.

Sec. 2. The office of the secretary of family and social services shall adopt rules under IC 4-22-2 necessary to implement this chapter. The rules adopted under this section must set forth:



C
O
P
Y

- (1) forms for the execution of a psychiatric advance directive;
- (2) protocols for the identification of an individual who has executed a psychiatric advance directive; and
- (3) methods to protect the confidentiality of an individual who has executed a psychiatric advance directive.

Sec. 3. To be effective under this chapter, a psychiatric advance directive must include the following information:

(1) The:

- (A) name;
- (B) date of birth;
- (C) sex;
- (D) race or ethnic background;
- (E) eye color;
- (F) hair color; and
- (G) Social Security number;

of the individual who is executing the psychiatric advance directive or on whose behalf it is executed.

(2) If applicable, the name of the:

- (A) treatment program;
- (B) facility; or
- (C) institution;

in which the individual who is executing the psychiatric advance directive or on whose behalf it is executed is receiving inpatient or outpatient treatment.

(3) The:

- (A) name;
- (B) address; and
- (C) telephone number;

of the psychiatrist counseling the individual who is executing the psychiatric advance directive or on whose behalf it is executed.

(4) The signature of the:

- (A) adult executing the psychiatric advance directive; and
- (B) psychiatrist counseling the individual who is executing the psychiatric advance directive or on whose behalf it is executed.

(5) The date the psychiatric advance directive was signed.

(6) The individual's directive concerning the administration or refusal of psychiatric restabilization measures.

(7) If applicable, the:

- (A) name;
- (B) address; and

C
O
P
Y



(C) telephone number;
 of the individual designated to consent to or refuse psychiatric
 restabilization measures for the individual who has executed
 the psychiatric advance directive or on whose behalf it is
 executed.

Sec. 4. If an individual's psychiatric advance directive is
 apparent and immediately available:

- (1) emergency medical service personnel;
- (2) a psychiatrist; or
- (3) a health care provider;

shall comply with the psychiatric advance directive.

Sec. 5. A person who complies in good faith with a psychiatric
 advance directive is not subject to civil or criminal liability for
 such compliance.

Sec. 6. A psychiatric advance directive for an individual
 admitted to a health care facility shall be implemented as a
 physician's order concerning psychiatric restabilization as directed
 by the psychiatric advance directive, pending further physician's
 orders.

Sec. 7. The execution of a psychiatric advance directive does not
 affect a contract of:

- (1) life insurance;
- (2) health insurance; or
- (3) annuity.

Sec. 8. A psychiatric advance directive may be revoked at any
 time by:

- (1) the individual who is the subject of the psychiatric advance
 directive; or
- (2) a person who is authorized to consent to or refuse
 psychiatric restabilization on behalf of the individual who is
 the subject of the psychiatric advance directive.

SECTION 5. IC 34-30-2-75.5 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2003]: **Sec. 75.5. IC 16-36-6-5 (Concerning
 a person who complies in good faith with a psychiatric advance
 directive).**

C
O
P
Y

